

IN THE UNITED STATES DISTRICT COURT
For the
EASTERN DISTRICT OF VIRGINIA

FITZWATER AND DEAN, P.L.C.,)	
)	
Movant)	
)	
v.)	Case No.
)	
NATIONAL RIFLE ASSOCIATION)	
OF AMERICA,)	
)	
Respondent.)	
)	

**MOTION TO QUASH SUBPOENA TO TESTIFY AND PRODUCE DOCUMENTS AT A
DEPOSITION IN A CIVIL ACTION**

The Movant, Fitzwater and Dean, P.L.C. (“Fitzwater”), by counsel, hereby file this Motion to Quash the subpoena served upon Fitzwater by the Respondent, National Rifle Association of America (“Respondent”).

The Motion to Quash is being requested for the following reasons: (1) discovery in the underlying action (Civil Action No. 3:22-CV-1944-G, U.S. Distr. Ct. for the Northern District of Texas) closed on July 14, 2023 and the Subpoena was issued on July 15, 2023 with a response due at a deposition scheduled on August 2nd, 2023; (2) production would require disclosure of protected matters where no waiver exists; and (3) production would require an undue burden on Fitzwater to review financial documents, including but not limited to Federal I.R.S. Tax Returns for “Under Wild Skies” and “Anthony Makris”¹ for at least eleven (11) years, as well as, communications with various individuals from 2009 to present – to include, but not limited to the following identified companies and individuals: Ackerman McQueen, Inc., Mercury Group, Inc.,

¹ Although the definition of “Relevant Time Period” states from “January 1, 2009 to the present”, the “Tax Returns” definition states from “2008-2019”. (See Exhibit A to the Subpoena, p. 7).

Anthony Makris, Melanie Montgomery, Under Wild Skies, William Winkler, Brandon Winkler, and Stephanie West.

WHEREFORE, based on the foregoing, Movant, Fitzwater and Dean, P.L.C., respectfully request that the Court grant this motion, quash the subpoena issued by Respondent, National Rifle Association of America and that the grant Movant such other and further relief as the Court deems just and proper.

Fitzwater and Dean, P.L.C.
By Counsel

Compton & Duling, LC

/s/ Jason E. Hickman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing motion to quash was served this 28th day of July, 2023, by facsimile and by first class mail, postage prepaid, on the following:

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/s/ Jason E. Hickman
Jason E. Hickman